

### **REMARKS**

The present Amendment and Response is believed to be fully responsive to the Non-final Office Action mailed January 12, 2009. After entry of the foregoing Amendment, Claims 126-131, 133-149, and 151-161 remain pending. By this Amendment, independent Claims 126 and 144, and dependent Claims 131, 134, 135, 137, 149, 152, 153 and 155 have been amended. Additionally, dependent Claims 132 and 150 have been cancelled without prejudice. Claims 1-125 were previously cancelled without prejudice or disclaimer by prior response. It is respectfully submitted that no new matter has been added by the foregoing amendments. In view of the amendments and remarks, it is respectfully asserted that the rejections are now made moot and that the pending claims are in condition for allowance.

Attorney for the Assignee would like to thank the Examiner for the telephonic Examiner's Interview that was conducted on April 9, 2009. During the Interview, an agreement was reached that neither *Hogan* nor *Smorodinsky*, either taken alone or in combination, teach or suggest an electronic bill presentment service provider that pulls or accesses billing information from another entity in response to receiving a consumer request for the billing information. Accordingly, an agreement was reached that the amended independent claims of the present application are allowable over the combination of *Hogan* and *Smorodinsky*.

### **Claim Rejections Under 35 USC § 103**

In the Office Action, Claims 126-135, 143-153, and 161 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,699,528 to Hogan (hereinafter "*Hogan*") in view of U.S. Patent No. 6,049,786 to Smorodinsky (hereinafter "*Smorodinsky*"). Additionally, Claims 136-142 and 154-160 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Hogan* in view of *Smorodinsky* and further in view Official Notice taken by the Examiner.

By the present amendment, independent Claims 126 and 144 have been amended to clarify the claimed inventions of independent Claims 126 and 144. Specifically, independent Claim 126 has been amended to recite "receiving, via a network at an electronic bill presentment service provider from a first network entity associated with a consumer, a request for bill data

available for presentment” and “responsive to receiving the request for bill data, accessing by the electronic bill presentment service provider via the network, a second network entity associated with a biller for at least a portion of the bill data” (Underlining supplied). Independent Claim 144 has been amended in a similar manner. Support for these amendments can be found throughout the Specification of the present application. For example, Figures 4 and 13C and their associated text clearly provide support for these amendments.

As discussed and agreed upon during the telephonic Examiner’s Interview, it is respectfully asserted that neither *Hogan* nor *Smorodinsky*, either taken alone or in combination, teaches or suggests each and every element of amended independent Claims 126 and 144. Specifically, neither *Hogan* nor *Smorodinsky* teach or suggest an electronic bill presentment service provider that receives a request for bill data from a first network entity associated with a consumer and accesses, in response to receiving the request, a second network entity associated with a biller for at least a portion of the bill data. In marked contrast, *Hogan* relates to a system in which bills are received at the bill capture device 150 from billers prior to receiving a request for billing data from a customer or consumer (See *Hogan* at col. 4, line 53 – col. 5, line 2). The bill capture device 150 of *Hogan* receives bills from multiple billers and processes the bills to extract the billing data (See *Hogan* at col. 4, lines 53-67). The billing data is then transmitted to the service computer 160 and subscribers are able to access and browse their bills (See *Hogan* at col. 5, lines 1-3). Accordingly, *Hogan* does not teach or suggest accessing, via a network, a network entity associated with a billing entity in response to receiving a request for bill data, as recited by the amended independent claims.

The Office Action argues that *Hogan* teaches the accessing, via a network, of a second network entity associated with a biller for at least a portion of the bill data. However, it is respectfully submitted that this accessing by *Hogan* is not made in response to receiving a request for bill data from a first network entity associated with a consumer. In marked contrast, the system of *Hogan* periodically downloads bill data and stores the bill data for subsequent access by customers (See *Hogan* at col. 34, lines 60-67). In fact, *Hogan* appears to be a system in which bills are proactively and periodically “pushed” from a biller to an electronic bill service company (EBSC) rather than a system in which billing information may be accessed or “pulled”

in response to a received request. In *Hogan*, when a user registers for bill payment services, a service starting date must be at least a predetermined period from the present to allow the EBSC to arrange with the selected payees to make the transition to sending the bill information to the bill capture device (See *Hogan* at col. 5, lines 37-40). As soon as the bill information concerning the subscriber is received, the bill capture device 150 processes the information and transmits billing data to the server computer for access by the subscriber (See *Hogan* at col. 5, lines 53-57). Thus, when the subscriber requests bill data, the requested data will be located at the server computer 160 for access by the subscriber. There is no need to access a second network device associated with a biller for the requested bill data in response to the received request and indeed, there is no teaching or suggestion of doing so. Accordingly, *Hogan* does not teach or suggest an electronic bill presentment service provider that accesses via a network, a second network entity associated with a biller for at least a portion of the bill data in response to receiving a request for the bill data, as recited by the amended independent claims.

*Smorodinsky* also fails to teach or suggest an electronic bill presentment service provider that accesses via a network, a second network entity associated with a biller for at least a portion of the bill data in response to receiving a request for the bill data, as recited by the amended independent claims. Similar to *Hogan*, *Smorodinsky* relates to a system in which bill summary information is pushed from a biller to a bill presentment computer (See *Smorodinsky* at col. 4, lines 33-43). The bill summary information may then be accessed by a customer from the bill presentment computer (See *Smorodinsky* at col. 4, line 66 – col. 5, line 10). The bill presentment computer of *Smorodinsky* does not access billing information from a network entity associated with a biller in response to receiving a request for bill data from a customer. In order for the customer of *Smorodinsky* to receive a complete bill, the customer must send a request directly to the biller computer (See *Smorodinsky* at col. 5, lines 28-38). This request is not intermediated through or processed by the bill presentment service provider of *Smorodinsky*. Accordingly, *Smorodinsky*, either taken alone or in combination with *Hogan*, fails to teach or suggest a service provider that accessing bills and/or billing information in response to a received request from a consumer.

For at least these reasons, it is respectfully submitted that amended independent Claims 126 and 144 are patentable over the cited art of record and in condition for allowance. Additionally, it is respectfully asserted that dependent Claims 127-131, 133-143 and 145-149 and 151-161, which ultimately depend from one of amended independent Claims 126 or 144, are allowable as a matter of law as depending from an allowable base claim, notwithstanding their independent recitation of patentable features.

**CONCLUSION**

It is believed that each matter raised by the Office Action has been responded to. Allowance of the claims is respectfully solicited. Any questions may be directed to the undersigned at 404.853.8037. It is not believed that any fees for extensions of time or addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

If there are any issues which can be resolved by teleconference or an Examiner's Amendment, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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